

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Portsmouth School Department)	File No. SLD-191250
Portsmouth, New Hampshire)	
)	
Federal-State Joint Board on)	CC Docket No. 96-45
Universal Service)	
)	
Changes to the Board of Directors of the)	CC Docket No. 97-21
National Exchange Carrier Association, Inc.)	

ORDER ON RECONSIDERATION

Adopted: December 2, 2002

Released: December 3, 2002

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. In this Order, the Telecommunications Access Policy Division (Division) reconsiders, sua sponte, a November 4, 2002 decision dismissing the Request for Review filed by Portsmouth School Department (Portsmouth School), Portsmouth, New Hampshire (Portsmouth Order).¹ In its Request for Review, Portsmouth School sought review of three decisions issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) on August 13, 2002.²

2. In the Portsmouth Order, the Division found that Commission received Portsmouth School's Request for Review on October 16, 2002.³ For requests seeking review of decisions

¹ Letter from Edward Stokel, Portsmouth School Department, to Federal Communications Commission, filed October 16, 2002 (Request for Review).

² See Request for Review; Letter from the School and Libraries Division, Universal Service Administrative Company, to Tim Wagner, Rocket Science Computer Services, dated August 13, 2002; Letter from the School and Libraries Division, Universal Service Administrative Company, to Anna Marie Berry, Verizon – New Hampshire, dated August 13, 2002; Letter from the School and Libraries Division, Universal Service Administrative Company, to Anne Tucker, Atlantic Connections, LTD, dated August 13, 2002 (Form 472 Notification Letter). Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

³ See Request for Review.

issued on or after August 13, 2001 under section 54.720(b) of the Commission's rules, any such appeal must be filed with the Commission or SLD within 60 days of the issuance of the decision that the party seeks to have reviewed.⁴ Documents are considered to be filed with the Commission only upon receipt.⁵ Because the record indicated that the Request for Review was not filed within the requisite 60-day period, it was dismissed without further consideration.

3. Subsequent records show, however, that the Commission received Portsmouth's Request for Review via facsimile on October 11, 2002.⁶ Thus, we conclude that the Request for Review was timely filed within the 60-day period. Therefore, we vacate our Order dismissing that appeal as untimely. The merits of Portsmouth's Request for Review will be addressed in a subsequent Order.

4. ACCORDINGLY, IT IS ORDERED that, pursuant to section 0.291 and 1.108 of the Commission's rules, 47 C.F.R. §§ 0.291 and 1.108, we hereby reconsider and vacate, on our own motion, our November 4, 2002 Order dismissing the Request for Review filed by Portsmouth School District, Portsmouth, New Hampshire, on October 11, 2002.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

⁴ 47 C.F.R. § 54.720(b). *See Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order, FCC 01-376 (rel. Dec. 26, 2001), as corrected by *Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Errata (Com. Car. Bur. rel. Dec. 28, 2001 and Jan. 4, 2002); SLD web site, What's New (January 20, 2002), <http://www.sl.universalservice.org/whatsnew/012002.asp#extend3ed>.

⁵ 47 C.F.R. § 1.7.

⁶ *See* Facsimile from Edward Stokel, Portsmouth School Department, to Office of the Secretary, Federal Communications Commission (dated Oct. 11, 2002, 3:45 p.m.).